

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SAVINO SOLANO,</b>	:	
<b>Petitioner</b>	:	<b>CIVIL ACTION NO. 3:19-1430</b>
<b>v.</b>	:	<b>JUDGE MANNION</b>
<b>UNITED STATES OF AMERICA,</b>	:	
<b>Respondent</b>	:	

**ORDER**

Pending before the court is the report of Magistrate Judge Karoline Mehalchick which recommends that the above-captioned matter be dismissed as moot. (Doc. 7). No objections have been filed.

When no objections are filed to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

By way of relevant background, the petitioner, who was being held in the custody of Immigration and Customs Enforcement (“ICE”), filed this

petition for writ of habeas corpus on August 20, 2019, challenging his detention. (Doc. 1). Mail sent to the petitioner that same day was returned to the court as undeliverable on September 26, 2019, with a notation that the petitioner had been released. (Doc. 4). On September 27, 2019, Judge Mehalchick issued an order directing the petitioner to show cause on or before October 11, 2019, why his petition should not be dismissed as moot. (Doc. 5). That order was also returned to the court as undeliverable. (Doc. 6). As a result, Judge Mehalchick issued the instant report and recommendation on October 17, 2019. Judge Mehalchick notes that public records indicate that the petitioner is no longer in ICE custody. Because he is no longer in custody, Judge Mehalchick suggests that the petitioner's challenge to his detention is moot and the instant action must be dismissed. The court has reviewed the record in this action, including the habeas corpus petition and Judge Mehalchick's report and recommendation, and agrees that the instant action should be dismissed as moot because the petitioner is no longer in ICE custody.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Mehalchick (Doc. 7) is ADOPTED IN ITS ENTIRETY.**
- (2) The petition for writ of habeas corpus (Doc. 1) is DISMISSED AS MOOT.**

(3) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion  
**MALACHY E. MANNION**  
United States District Judge

**Date: November 12, 2019**

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